



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO  
Attorney General

Writer's Direct Telephone No.  
(212) 416-8871

CRIMINAL DIVISION  
Federal Habeas Corpus Section

**MEMO ENDORSED**

March 25, 2008

By Hand  
Hon. Kevin Nathaniel Fox  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Sean White v. Superintendent W. Lape  
07-CV-11299 (RJH) (KNF)

Your Honor:

I am an Assistant Attorney General in the office of Andrew Cuomo, Attorney General of the State of New York, and I will be representing respondent in the above-referenced habeas corpus matter. I am writing to request an extension of time in which to respond to Mr. White's habeas petition.

On February 20, 2008, Your Honor issued an order requiring respondent to file a response to the petition by March 28, 2008. Upon receiving the order, my office requested the state court record (including the briefs on direct appeal, any documents pertaining to any collateral motions, and the transcript ) from the the New York County District Attorney's office. This morning I received the trial transcripts, I have not yet received the record on appeal, including the appellate briefs and any post-conviction motions. These documents are necessary to formulate a comprehensive response to petitioner's claim.

Additionally, I am currently backlogged in my upcoming caseload. I am currently assigned to respond to nine habeas petitions in the next two months. As a result, I am requesting a 75 day extension from the original due date, until June 11, 2008, to file my response. This is my first request for an extension in this matter.

3/27/08

Application granted.  
Any reply by the petitioner  
shall be served and filed  
on or before July 21, 2008.

SO ORDERED:

*Kevin Nathaniel Fox*  
KEVIN NATHANIEL FOX, U.S. M.J.

Respectfully submitted,

*Leilani Rodriguez*  
Leilani Rodriguez  
Assistant Attorney General

CC: Sean White  
04-A-1062  
Coxsackie Correctional Facility  
PO Box #999  
Coxsackie, NY 12051-0999